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PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Customer No.:	23644	}	<u>Certificate Under 37 CFR 1.8(a)</u>
Application No.:	10/569,711	}	
Confirmation No.:	7981	}	I hereby certify that this correspondence is being
		}	electronically filed via EFS WEB addressed to: Mail
		}	Stop Amendment Commissioner for Patents, P.O. Box
		}	1450, Alexandria, VA 22313-1450.
Filing Date:	February 24, 2005	}	
		}	on <u>Monday, December 01, 2008</u>
Group Art Unit:	1793	}	
Examiner Name:	D'aniello, Nicholas P.	}	<u>David C. Brezina</u>
		}	(Signature)
		}	<u>David C. Brezina</u>
		}	(Printed Name)
Attorney		}	
Docket No.:	921095-102860	}	
		}	
First Named		}	
Inventor:	Richard F. Kral, et al	}	
		}	
Title:	Method of Repairing a Rail	}	

- [X] AUTHORIZATION TO PAY AND PETITION FOR THE ACCEPTANCE OF ANY NECESSARY FEES. If any charges or fees must be paid in connection with the following Communication (including but not limited to the payment of Issue Fees), they may be paid out of our deposit account 12-0913. If this payment also requires a Petition, please construe this authorization to pay as the necessary Petition which is required to accompany this payment.
- [] Applicant hereby petitions for a 3-month *extension* and entry of this Amendment which is sent within the 3rd month after the due date of May 8, 2008. The payment of \$1,050.00 to cover the 3-month extension is enclosed herewith.

AMENDMENT AND RESPONSE

In response to the Final Office Action of September 9, 2008, please amend the application as follows:

Amendments to the Claims are reflected in the listing of claims, which begins on page 3 of this paper.

Remarks begin on page 7 of this paper.